

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Robert K. Evans et al.

Serial No. to be assigned

Filed:

For: ADENOVIRUS FORMULATIONS

Art Unit: 1648Examiner: Foley, Shanon A.

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).

2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.

4. Pursuant to the waiver by the Office of the requirement under 37 CFR 1.98 (a)(2)(i) dated July 11, 2003, if the filing date of this application is after June 30, 2003, copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

EXPRESS MAIL CERTIFICATE
DATE OF DEPOSIT March 2, 2004
EXPRESS MAIL NO. EV 321 98851205
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS
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MAILED BY J. Ore Schepura
DATE March 2 2004

mdt 3/2/04
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By _____ Date _____

INFORMATION DISCLOSURE STATEMENT

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☒ the attached information is filed within three months of the filing date of the captioned case.
- ☐ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action or Notice of Allowance. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ the undersigned certifies that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ the undersigned certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,


 By: J. Mark Hand
 Attorney _____ For Applicant(s)

Reg. No. 36,545
 MERCK & CO., INC.
 Patent Dept., RY60-30
 P.O. Box 2000
 Rahway, N.J. 07065-0907
 (732)594-3905

Date: March 2, 2009

(use as many sheets as necessary)

COMPLETE IF KNOWN

Application Number	To be assigned
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Filing Date

First Named Inventor	Robert K. Evans
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Group Art Unit	1648
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Examiner Name	Foley, Shanon A.
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Attorney Docket Number	20634YCA
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Sheet

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of

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Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office	Number	Kind Code (if known)		
	F	PCT	WO 99/45841		CardioSistemas Comercial E Industrial Ltda	09/16/1999
	G	PCT	WO 98/02522		Transgene S.A.	01/22/1998
	H	PCT	WO 00/45841		Merck & Co., Inc.	08/10/2000
	I	PCT	WO 99/41416		Schering Corporation	08/19/1999

Examiner
Signature

Date
Considered

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Substitute for form 1449B/PTO

INFORMATION DISCLOSURE

STATEMENT BY APPLICANT

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COMPLETE IF KNOWN

Application Number	To be assigned
Filing Date	
First Named Inventor	Robert K. Evans
Group Art Unit	1648
Examiner Name	Foley, Shanon A.
Attorney Docket Number	20634YCA

Sheet	2	of	2
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NON PATENT LITERATURE DOCUMENTS

[illegible]

Examiner Signature		Date Considered	
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*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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